



Privacy Commissioner
Te Mana Mātāpono Matatapu

Proactive Release:

Submissions received
on the proposed
amendments to
Schedule 4 of the
Telecommunications
Information Privacy
Code 2020

Submissions are in no particular order

4 June 2025

Office of the Privacy Commissioner
Wellington

By email: tipc@privacy.org.nz

Schedule 4 of the Telecommunications Information Privacy Code 2020

1 Introduction

- 1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to give feedback on proposals to amend Schedule 4 of the Telecommunications Information Privacy Code 2020 (**TIPC**). This submission has been prepared with input from the Law Society's Human Rights and Privacy Committee.¹
- 1.2 As outlined in the Privacy Commissioner's Information Paper proposing changes to the Schedule,² Schedule 4 of TIPC applies to Emergency Location Information (**ELI**) about a person, which comes either from 111 calls or from devices like smartphones that can share their location. Schedule 4 enables emergency services to access information about people's location, to be able to respond and help them. It also recognises that this location information is sensitive. The Schedule sets strict rules for how location information can be collected, used, and shared.
- 1.3 The proposed amendments to Schedule 4 cover mostly minor matters. The Law Society has no concerns regarding proposals to:
 - (a) remove references to "New Zealand Search and Rescue" from the Schedule, as New Zealand Search and Rescue is not a specific legal entity (Question 2);
 - (b) slightly amend several clauses to ensure that TIPC fits with a new operational structure that has been implemented (Table 2 and Questions 3 and 4); and
 - (c) fix typographical errors in two clauses and refine the wording of another clause (Question 5).
- 1.4 This submission focuses on the proposed changes to clause 3(1)(b) and new clause 9 of Schedule 4 (Question 1 of the Information Paper).

¹ More information about our law reform committees is available on the Law Society's website: <https://www.lawsociety.org.nz/branches-sections-and-groups/law-reform-committees/>.

² Privacy Commissioner "Draft Information Paper: Proposed Amendment No 1 to the Telecommunications Information Privacy Code 2020" (9 May 2024).

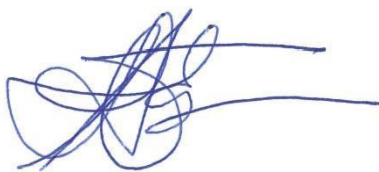
2 Clause 3(1)(b) and new clause 9: collecting, using and sharing ELI

- 2.1 The issue identified with clause 3 is that professional emergency services are not the only search and rescue responders. Most search and rescue operations rely on assistance from volunteers. However, under clause 3(1)(b), emergency service providers and other “location agencies” listed in Schedule 4 are only allowed to disclose ELI to those named as location agencies. As drafted, disclosure to volunteers is not permitted.
- 2.2 The proposal is to address this by allowing location information to be shared with people and organisations who are not part of a listed location agency, subject to conditions.
- 2.3 The Law Society supports the proposed change, but for the following reasons would recommend slight modification of the drafting approach. To avoid a risk that people read only clause 3(1)(b) without going as far as clause 9, another potentially clearer option is to:
- (a) amend clause 3(1)(b) to say “in the case of a disclosure, the disclosure is to another location agency *or to a person permitted by clause 3(8)*”; and
 - (b) insert, instead of clause 9, a new clause 3(8) which says “A location agency may disclose information about an individual’s potential location to any agency or person who is acting on behalf of that location agency to locate and rescue that individual.”
- 2.4 If OPC prefers the current proposal, as a minimum we would recommend relocating the proposed new clause 9 to be clause 3(8).

3 Next steps

- 3.1 We hope this feedback is useful. Please feel free to get in touch with me via the Law Society’s Senior Law Reform and Advocacy Advisor, Claire Browning (claire.browning@lawsociety.org.nz), if you have any questions or wish to discuss this feedback further.

Nāku noa, nā



Ataga’i Esera
Vice-President

Next Generation Critical Communications
160 Lambton Quay
Wellington

5 June 2025

By email: tipc@privacy.org.nz

**Proposed changes to Schedule 4 of the Telecommunications Information Privacy Code 2020
(Schedule 4): Submission by Next Generation Critical Communications (NGCC)**

Introduction and Summary

NGCC is pleased to provide this submission regarding the proposed minor changes to Schedule 4 of the Telecommunications Information Privacy Code (Code) and supports the Privacy Commissioner's proposal as way of ensuring the Code works as intended.

We also provide our additional feedback as way of addressing new typos and a suggested minor amendment to the *permitted secondary purpose* (item no 4 – additional feedback).

Submission

Question No.	OPC	NGCC Response
1	Do you agree with the proposed new clause 9 in the Schedule? If not, do you have a suggestion for how else the problem could be resolved?	We support the inclusion of new clause 9
2	Do you agree with removing references to "New Zealand Search and Rescue" from the Schedule	We support the removal of reference to "New Zealand Search and Rescue" from the Schedule
3	Do you agree with the proposed change to clause 3(3), barring wider access to the ELIS	We support the proposed change to clause 3(3), barring wider access to

	itself, but ensuring NZ Police can pass information as needed to other location agencies?	the ELIS itself, but ensuring NZ Police can pass information as needed to other location agencies
4	Do you agree with the proposed addition of clause 7(4) to require the relevant government agency to log all internal uses of device location information as well as external disclosures?	We support the proposed addition of clause 7(4) to require the relevant government agency to log all internal uses of device location information as well as external disclosures
5	Do you support fixing the errors in clauses 1 and 2 and adjusting the wording of clause 8(3)?	We support fixing the errors in clauses 1 and 2 and adjusting the wording of clause 8(3)

Additional feedback re new typos

Item No.	OPC Suggested Change	NGCC Response
1	relevant government agency means the public sector government agency responsible for the ELIS	We support the proposed change from relevant government agency to public sector agency, with the same meaning as section 7(1) of the Privacy Act 2020
2	public sector agency has the same meaning as in section 7(1) of the Privacy Act 2020.	Fix typo – amend to public sector agency has the same meaning as in section 7(1) of the Privacy Act 2020 . (remove Privacy, 2020, full stop)
3	Where the relevant government agency uses DLI for either the permitted primary purpose or permitted secondary purpose, it must treat this as a	Fix typo – amend to Lower case clause

	disclosure of DLI for purposes of Clause 7(3).	
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NZ Police comments on TIPC Schedule 4 Information paper

NZ Police provided comments on a pdf copy of the Information Paper. To share those comments as a part of publishing submissions, we have copied them below.

Info paper ref	Comment from Police
P 5	Smartphones only share their location for 111 calls through ECLI. They do not share their location through DLI. DLI only provides network location.
	For a 111 call the mobile handset automatically provides the GPS location (through the network) to the ECLI mapping platform.
	DLI doesn't use the mobile handset GPS location
	This paragraph is an inaccurate depiction of what occurs. DLI only provides network location. It does not provide handset GPS location. Additionally users are not asked to share GPS location.
	DLI only provides an area on a mobile network. (not a GPS location of the phone) and not an XY coordinate
	It's using the phone network to locate a device on the network. It does not use the GPS location on the device.
	This is a misleading statement. ESOs do not need to tell a person whose DLI is collected if the ESO believes, on reasonable grounds, that doing so would be likely to prejudice the physical or mental health of the individual concerned or another individual. The code states that this must be done within 7 days unless it is still prejudicial. The code is silent on whether or not someone should be notified after a 7 day period has expired and once it is no longer prejudicial.
P 6	
P 6	This should read "the life or health of the individual (person) concerned or another (person)". This reference to a person's life or safety, does not include the reference to another individual's life or safety as per the code, and as such is misleading.
P 10	No comment either way, is inferred in the code. Good to be explicit
P 11	NZ Police agree
P 12	They should be able to access the information on the ELI web platform otherwise you are expecting Police to look at a map, then interpret that information into words by phone or other electronic solution that do not as accurately convey a picture of a sector or arc or area of possibility.

	The current schedule at 3(3) says must not "collect" ELI directly from the relevant govt agency. It does not say must not access. There is a vast difference between the terms access and collect. See additional comments under proposed approach
	This is incorrect, the current Clause 3(3) says must not "collect", not must not "access". and in Clause 2 it uses the word "receive".
P 13	
"Add new cl 7(4)"	Or as per proposed changes to clause 1 above to you mean to the relevant "public sector agency"?
	<p>No NZ Police do not agree that barring wider access to the ECLI mapping system, and therefore the location information, is a prudent step. In fact expanding access to the ECLI mapping web platform to RCCNZ (Maritime NZ) is expected so that Police do not have to constantly monitor the application for RCCNZ and contact RCCNZ every time a new DLI network location information is received.</p> <p>NZ Police will also not take on the additional workload of doing this for the other Emergency Service Organisations who currently have access to ECLI and the ECLI mapping web platform.</p>
	<p>External disclosures is not operationally practical. This in practice could mean trying to keep track of who is briefing who during a search and rescue operation that may consist of many volunteers, including some of whom may be members of the public who have volunteered to assist search for their friend or whanau member or any other member of the public in general. Such disclosures will likely occur at a very local level for protracted SAR operations and far from the nationalised system that the information was first accessed from.</p> <p>Additionally if a person is volunteering/working on behalf of a Police led SAR operation, then in essence that would not be an external disclosure as it is part of a police led operation.</p>
P 14, Q5	Yes makes sense.

Subject: FW: Feedback on proposed TIPC changes - privacy team - NZ Police
Attachments: 20250507-Information-Paper-Proposed-changes-to-Schedule-4-of-the-TIPC-May-2025-A1076214.pdf

From: Chief Privacy Officer <ChiefPrivacyOfficer@police.govt.nz>
Sent: Thursday, 5 June 2025 5:01 pm
To: TIPC <tipc@privacy.org.nz>
Subject: Feedback on proposed TIPC changes - privacy team - NZ Police

Dear OPC – TIPC,

I have now reviewed the information document and I do not have detailed comments to make on the proposed changes. I note Inspector Higgle's comments forwarded earlier, and particularly urge further clarification of proposed clause 3 changes in light of operational practice.

Proposed changes to update references and correct typographical mistakes are welcome.

Ngā mihi

Annabel

Annabel Fordham
Chief Privacy Officer
Assurance Group
Police National Headquarters

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[SEEMail]

From: Chief Privacy Officer
Sent: Thursday, May 29, 2025 9:02 AM
To: tipc@privacy.org.nz
Cc: FORDHAM, Annabel <Annabel.Fordham@police.govt.nz>
Subject: Feedback on proposed TIPC changes from Emergency Comms - NZ Police

Dear OPC – TIPC consultation,

Please see below the comments from Inspector Mike Higgle, who oversees emergency communications for Police – he has also made detailed remarks in the attached consultation document.

You will see he has raised several matters that we felt it would be better for you to hear directly. Mike will make himself available to liaise or discuss things further.

Colin Trotter is away on extended leave at present, but I will endeavour to look at this ahead of 6 June and see if there are any additional comments from our team. We have also circulated it to others in NZ Police.

Ngā mihi

Annabel

Annabel Fordham
Chief Privacy Officer
Assurance Group
Police National Headquarters

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[SEEMail]

From: HIGGIE, Michael (Mike) <Michael.Higgie@police.govt.nz>
Sent: Tuesday, May 20, 2025 11:28 PM
To: Chief Privacy Officer <ChiefPrivacyOfficer@police.govt.nz>
Subject: Fw: Document for OPC

Hi Colin and Annabel,

Concerns listed here in my comments on the attached document.

Clearly a misunderstanding of how parts of this schedule work and the consultation is possibly misleading.

Additionally the word "access" has been changed to "collecting" of information in the clause 3(3) in the consultation narrative which really changes the context and means only police can see the information on a map. Currently Fire and Ambulance can see the information and we don't have to disclose it to them. This change if is deliberate increases the work for police and possibly removes their access to the information for other agencies which was surely not the intent of this consultation.

Part of the consultation paper says that police will advise people when there is an attempt to locate a device. This is incorrect, as the code is silent on what happens after a 7 day period (and whether a notification is or is not required) where it was still prejudicial to the mental health or physical wellbeing of a person to notify them at the expiry of the 7 day period.

Happy to catch up on this next week if you like.

Mike

Mike Higgie
Inspector
National Operations Manager
Police Emergency Communications & Dispatch

M [REDACTED]
E michael.higgie@police.govt.nz

Sent from my iPhone

From: TIPC
Subject: Spark comments on TIPC Information Paper
Objective: -1

From: Sarah Auva'a <Sarah.Auvaa@spark.co.nz>
Sent: Tuesday, 3 June 2025 10:13 am
To: IPP3A <IPP3A@privacy.org.nz>
Cc: Nick Haywood <Nick.Haywood@spark.co.nz>
Subject: Feedback on the IPP3A draft guidance

Good morning

Thank you for the opportunity to review the proposed amendments to Schedule 4 of the Telecommunications Information Privacy Code.

As you know, Schedule 4 is a crucial aspect of the Code, helping ensure the safety and privacy of New Zealanders. We are very supportive of the purpose behind these changes, as well as the amendments themselves as currently drafted.

We are happy to speak with the OPC on the Code and proposed changes as helpful.

Kind regards
Sarah Auva'a



Sarah Auva'a
Lead Digital Trust Partner
Spark New Zealand Trading Limited

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TCF Submission to
The Privacy Commissioner
On proposed amendments to Schedule 4 of the Telecommunications Information Privacy
Code 2020
06 June 2025

A. Introduction

1. Thank you for the opportunity to comment on the proposed changes to Schedule 4 of the Telecommunications Information Privacy Code 2020 (TIPC 2020).
2. This submission is provided by the New Zealand Telecommunications Forum (TCF). The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers. The forum facilitates the development of consensus-based, self-regulatory codes, that set standards and specifications for the way members follow procedures internally, and for the way industry interconnects on industry-wide issues. The TCF enables the industry to work together and to discuss issues and topics collaboratively, to reach acceptable solutions that can be developed and implemented successfully.
3. The TCF supports the aims of the proposed amendments to Schedule 4 of the TIPC 2020. For reasons of expediency, we have kept our comments short and are prepared to elaborate on any of the points raised if you would like to contact us.

B. TCF comments

4. The TCF agrees with the proposed new clause 9 in the Schedule to ensure that location information can be used effectively for search and rescue operations, whilst safeguarding privacy.
5. The TCF agrees with removing references to “New Zealand Search and Rescue” from the Schedule to remove a potential gap in privacy accountability.
6. The TCF supports the proposed changes to ensure that the Code fits with the new operational structure where the New Zealand Police is now the “relevant government agency” under Schedule 4. We agree with the proposed change to clause 3(3) as a way of ensuring that the Police can pass information as needed to other location agencies, whilst barring wider access to the ELIS. We also agree with the addition of clause 7(4) as it is important to ensure that there is not a gap in requirements for logging usage of device location information.
7. The TCF supports fixing the typographical errors in clauses 1 and 2 and adjusting the wording of clause 8(3) to improve clarity.
8. The TCF is happy to answer any questions the Privacy Commissioner might have on the views set out in this submission. Please contact Nina Matthews in the first instance: nina.matthews@tcf.org.nz